

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

INACOM CORP., et al. Plaintiffs v. TECH DATA CORP. Defendant	Civil Action No. 04-CV-148 (GMS)
INACOM CORP., et al. Plaintiffs v. DELL COMPUTER CORP. Defendant	Civil Action No. 04-CV-582 (GMS)
INACOM CORP., et al. Plaintiffs v. LEXMARK INTERNATIONAL, INC. Defendant	Civil Action No. 04-CV-583 (GMS)
INACOM CORP., et al. Plaintiffs v. INGRAM ENTERTAINMENT INC. Defendant	Civil Action No. 04-CV-593 (GMS)

ORDER GRANTING DEFENDANTS' MOTION TO
EXCLUDE THE EXPERT TESTIMONY AND REPORT OF DEAN VOMERO

Upon the application of Defendants Tech Data Corp. ("Tech Data"), Dell Computer Corp. ("Dell"), Lexmark International, Inc. ("Lexmark") and Ingram Entertainment Inc. ("Ingram") (collectively "Defendants") to exclude the expert testimony and report of Dean Vomero and the Court being duly and sufficiently advised,

IT IS ORDERED that the expert testimony and report of Dean Vomero is excluded from and will not be admitted at trial because they are not sufficiently reliable and relevant to satisfy the standards of Federal Rule of Evidence 702, *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 509 U.S. 579 (1993), as made applicable to non-scientific expert testimony by *Kumho Tire Company v. Carmichael*, 526 U.S. 137 (1999).

Dated: _____, 2005.

Gregory M. Sleet, Judge
United States District Court
District of Delaware